

रजिस्टर्ड नं० पी० ४६१.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, मंगलवार, २३ अक्टूबर, १९७३/१ कार्तिक, १८९५

GOVERNMENT OF HIMACHAL PRADESH

VIDHAN SABHA SECRETARIAT

NOTIFICATION

Simla-4, the 17th October, 1973

No. 10-24/73-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business, the Himachal Pradesh Minor Canals

१५७६-गजट-२३-१०-७३-६१६

(१६१३)

मूल्य : २० पैसे

Bill, 1973 (Bill No. 26 of 1973) as introduced in the Assembly on 17th October, 1973 is hereby published in the Government Gazette.

S. S. KANWAR,
Secretary.

Bill No. 26 of 1973.

THE HIMACHAL PRADESH MINOR CANALS BILL, 1973

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to make better provision for the control and management of minor canals and to provide for the levy of water charges thereon in Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Himachal Pradesh Minor Canals Act, 1973.
- (2) It shall extend to the whole of Himachal Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.

Short title,
extent and
commence-
ment.

2. (1) The provisions of this Act shall apply to the extent and in the manner hereinafter provided to every canal specified in either Schedule I or Schedule II, as the case may be.

Operation
of this Act.

- (2) At any time after the commencement of this Act, the State Government may, from time to time, by notification,—

- (a) include any canal under either Schedule I or Schedule II, as the case may be, or transfer a canal from one Schedule to the other Schedule, and thereupon the provisions of this Act applicable to canals included under such Schedule, or such of the said provisions as the State Government may direct shall apply to such canal; or
- (b) exclude from the operation of this Act any canal included under either Schedule I or Schedule II:

Provided that no canal shall be included under Schedule I, unless—

- (a) it is owned in whole or in part by the Government; or
- (b) is at the commencement of this Act, managed by the Government or by any local authority; or
- (c) is situated partly within and partly without the territories to which this Act extends; or
- (d) has been included under Schedule II and is transferred to Schedule I by direction of the State Government:

Provided further that only private *kuhls* effecting more than one beneficiary and covering an area not less than twenty acres shall be included in Schedule II.

3. In this Act, unless there is something repugnant in the subject or context,—

- (i) “beneficiary” means in respect of any canal, any person for the time being deriving, or who is to derive, benefit, directly or indirectly, from such canal;

Definitions.

- (ii) "canal" means any canal, natural or artificial channel or line of natural drainage or any reservoir, dam or embankment, well, tubewell and lift irrigation arrangements constructed, maintained or controlled for the supply or storage of water or the protection of land from flood or sand, and includes any water-course or subsidiary works as defined in this section;
- (iii) "Collector" means the head revenue officer of a district and includes any officer appointed or authorised by the Government under this Act to exercise all or any of the powers of a Collector;
- (iv) "Commissioner" means any officer appointed under this Act to exercise all or any of the powers of a Commissioner;
- (v) "construction" or "construct" includes any alteration which would materially extend the area irrigable by a canal or any other alteration of material importance or the renewal of a canal after disuse for six years, but does not include the re-excavation of a canal-head which has been temporarily abandoned owing to change in the river, the excavation of a new head necessitated by a change in the river or a change of water-courses to render existing irrigation more efficient;
- (vi) "creek" means any channel of a river other than the main channel through which the water of the river would, unless obstructed by deposit of silt, naturally flow at some period of the year;
- (vii) "district" means a district as fixed for revenue purposes;
- (viii) "Government" or "State Government" means the Government of Himachal Pradesh;
- (ix) "irrigator" means, in respect of any land which is irrigated from a canal, any person for the time being directly deriving benefit by such irrigation and includes a landowner or any other person having interest in such land;
- (x) "labour" includes labourers, cattle and appliances necessary for the execution of the work for which labour is to be supplied;
- (xi) "local authority" means a municipal committee, small town committee, notified area committee, gram panchayat, panchayat samiti, zila parishad or other authority legally entitled to or entrusted by the Government with the control or management of the municipal or local fund;
- (xii) "mill" means any contrivance whereby the water power of any canal is used for grinding, sawing or pressing, or for driving or working machinery or for any other similar purpose, and includes all subsidiary works and structures connected with any such contrivance except the canal itself;
- (xiii) "notification" means notification published under proper authority in the Official Gazette;
- (xiv) "Official Gazette" means the Rajpatra, Himachal Pradesh;
- (xv) "prescribed" means prescribed by rules made under this Act;
- (xvi) "record-of-right" and "Revenue Officer" have the meanings assigned to them respectively in the Himachal Pradesh Land Revenue Act, 1954;
- (xvii) "subsidiary works" means all works required for the control or maintenance of the supply to a canal or for the maintenance of a canal in proper condition or for the regulation of the irrigation therefrom or for the prevention of floods or for the provision of proper drainage, in connection with such irrigation, and includes also the land required for such work;
- (xviii) "water-course" means any channel which is supplied with water from a canal and which is maintained at the cost of the irrigators, and includes all subsidiary works connected with such channel except the sluice or outlet through which water is supplied to such channel;
- (xix) "water rate" means the charge made for canal water; and
- (xx) "land-owner" shall have the same meaning as assigned to it in the Himachal Pradesh Land Revenue Act, 1954.

CHAPTER II

CONSTRUCTION OF CANALS

4. When the State Government has notified in this behalf any natural channel, lake or other collection of water, no person shall, without permission previously obtained in the manner prescribed in the section next following, construct a canal intended to be fed from any such channel, lake or other collection of water:

Prohibition against construction of canals without permission.

Provided that nothing in this section shall apply to the construction of a water-course from an existing canal or to the construction of wells.

5. (1) Any person, desiring to construct a canal intended to be fed from any source of supply which has been notified by the State Government under section 4, may apply, in writing, to the Collector for the permission prescribed in that section.

Application for permission and procedure thereon.

(2) Every application under sub-section (1) shall be in such form, and shall contain such particulars, as the State Government may prescribe in that behalf.

6. (1) When a source of supply has been notified by the State Government under section 4 and the Collector considers that the construction of a canal to be fed therefrom will be advantageous, he shall give notice by general proclamation to all persons interested of his intention to construct such canal or allow construction of such canal.

Power of Collector to construct canal from notified source of supply.

(2) If no objection to the construction of such canal shall have been preferred within a period to be specified in the notice under sub-section (1), or if any such objection has been preferred within the said period, but has been finally overruled, the Collector may proceed to construct such canal.

(3) The provisions of sections 49 and 62 shall apply to all proceedings of the Collector under sub-section (1) of this section and under the preceding section, and powers conferred upon the Collector by this and the preceding sections shall be exercised subject to such sanction as the Government may prescribe and in accordance with the rules made by the Government.

7. (1) If any person, without the permission necessary under sections 4 and 5 of this Act or contrary to any of the conditions of such permission, commences to construct or proceeds with the construction of any canal, the Collector may, at any time, by order in writing, prohibit such person, and, by general proclamation, all other persons from continuing the construction thereof:

Power to prohibit the unauthorised construction of and to close unauthorised canals.

Provided that, unless in the case of a construction which would materially extend the area irrigable by a canal, no such order or proclamation, as the case may be, shall be made or issued in respect of any canal which, at the time when it is proposed to make or issue such order or proclamation, has been used for irrigation without interruption, other than such as was due to natural causes beyond the control of the person aforesaid.

(2) If any person shall, at any time after the commencement of this Act, construct a canal without the permission necessary under sections 4 and 5 of this Act, the Collector may, with the previous sanction of the Government, close it and shut off the supply of water thereto and may further, by order in writing, prohibit such person, and by general proclamation, all other persons, from maintaining, repairing or renewing such canal or continuing to use the water thereof.

CHAPTER III

PROVISIONS APPLICABLE TO CANALS UNDER SCHEDULE I

8. Except as the Government may otherwise direct under section 68, the provisions of this chapter shall apply only to canals for the time being included under Schedule I.

9. (1) Notwithstanding the existence of any rights in or over a canal or water-course, the Collector may—

(a) exercise all powers of control, management and direction for the efficient maintenance and working of such canal or for the due distribution of the water thereof; and

(b) whenever and so long as any water-course, sluice or outlet is not maintained in proper customary repair, or any water-course, sluice or outlet through which water is supplied to any person, or in the case of a sluice or outlet, to any water-course or any person is subjected to wilful damage or wrongful enlargement, stop the supply of water to such water-course, sluice or outlet or to any person.

(2) No claim shall be enforceable against the Government for compensation in respect of loss caused by any order passed under sub-section (1) but any person suffering loss by reason of any order passed under sub-section (1) (a) may claim such remission of the ordinary charges payable for the use of the water as is authorised by the State Government:

Provided that if any right to water, entered in record-of-rights prepared or revised under section 28 (1) or deemed under section 28 (3) to have been made under this Act or admitted in any agreement between the Government and any person, is substantially diminished in consequence of action taken under sub-section (1) (a), the Collector shall award compensation under section 54 to such person in respect of the diminution of his right.

(3) No right to the use of the water of a canal shall be, or be deemed to have been, acquired under the Limitation Act, 1963, nor shall the State Government be bound to supply any person with water.

10. (1) The Government may, at any time, suspend or extinguish any right to which any person is entitled in or over any canal if the exercise of such rights is prejudicial to the interests of other irrigators or to the good management, improvement or extension of the canal.

(2) In every such case, the State Government shall cause to be paid to the person whose right is suspended or extinguished compensation to be assessed by the Collector under section 54. In assessing compensation for the purposes of this section, the Collector shall also have regard to the character of the right, the period during which it has been enjoyed and the damage likely to be occasioned by its suspension or extinction.

11. The Collector or other person acting under the general or special orders of the Collector may enter upon any lands adjacent to any canal, or through which any canal is proposed to be made, and undertake surveys or levels thereon and dig and bore into the subsoil;

and make and set up suitable land-marks, level-marks and water gauges;

and to do all other acts necessary for the proper prosecution of any inquiry relating to any existing or projected canal under the charge of the said Collector;

Power to clear land.—and, where otherwise such inquiry cannot be completed, the Collector or such other person may cut down and clear away any part of any standing crop, fence or jungle;

Power to inspect and regulate water supply.—and may also enter upon any land, building or water course on account of which any water rate is chargeable, or has been remitted either in whole or part or included in the land revenue thereof, for the purpose of inspecting or regulating the use of the water supplied, or of measuring the lands irrigated thereby or chargeable with the water rate, and of doing all things necessary for the proper regulation and management of such canal;

Notice of intended entry into houses.—provided that if such Collector or person proposes to enter into any building or enclosed court or garden attached to a dwelling house not supplied with water flowing from any canal, he shall previously give the occupier of such building, court or garden at least seven days' notice in writing of the intention to do so;

Compensation for damage caused by entry.—and in every case of entry under this section, the Collector shall, upon application made to him in this behalf, assess and pay compensation for any damage which may be occasioned by any proceeding under this section.

12. (1) In case of any accident happening or being apprehended to a canal, the Collector or any person acting under his general or special orders in this behalf may enter upon any lands adjacent to such canal, and may execute all work which may be necessary for the purpose of repairing or preventing such accident.

(2) *Compensation for damage to land.*—In every case under sub-section (1), the Collector shall, upon application made to him in this behalf, assess and pay compensation under section 54 for any damage which may be occasioned by any proceeding under this section.

13. (1) The Collector, or any person acting under his general or special orders in this behalf, may, within such distance from the canal, as the Government may, by rule, determine, occupy land adjacent to any canal for the purpose of—

- (a) depositing upon it soil excavated from the canal, or
- (b) excavating from it earth for repairs to the banks, and construction of the canal.

(2) The Collector shall, upon an application made to him in this behalf, assess and pay compensation for any damage which may be occasioned by any proceeding under this section.

(3) The owner of any land which has been occupied after the commencement of this Act for any purpose under sub-section (1) and has remained in such occupation for period exceeding three years may require that such land shall be permanently acquired in accordance with the provisions of section 43.

14. (1) Whenever an application is made to a Collector for supply of water from a canal, and it appears to him expedient that such supply should be given and that it should be conveyed through some existing water-course, he shall give notice to persons responsible for the maintenance of such water-course to show cause, on a day not less than fourteen days from the date of such notice, why the said supply should not be so conveyed and, after making inquiry on such day, the Collector shall determine whether and on what conditions, the said supply shall be conveyed through such water-course.

(2) The applicant shall not be entitled to use such water-course as aforesaid until he has paid the expenses of any alteration of such water-course necessary in order to his being supplied through it, and also such share of the initial cost of construction of such water-course as the Collector may determine. Such applicant shall also be liable for his share of the cost of maintenance of such water-course so long as he uses it.

Application for construction of new water-course.

15. Any person desiring the construction of a new water-course may apply in writing to the Collector stating—

- (i) that he has endeavoured unsuccessfully to acquire, from the owners of the land through which he desires such water-course to pass, a right to occupy so much of the land as will be needed for such water-course;
- (ii) that he desires the Collector, on his behalf and at his cost, to do all things necessary for acquiring such right; and
- (iii) that he is able to defray all cost involved in acquiring such right and constructing such water-course.

Procedure of Collector thereupon.

16. If the Collector considers—

- (i) that the construction of such water-course is expedient, and
- (ii) that the statements in the application are true, he shall call upon the applicant to make such deposit as the Collector considers necessary to defray the cost of the preliminary proceedings, and the amount of any compensation which he considers likely to become due under section 19; and upon such deposit being made, he shall cause inquiry to be made into the most suitable alignment of the said water-course and shall mark out the land which, in his opinion, it will be necessary to occupy for the construction thereof, and shall forthwith publish a notice in every village through which the water-course is proposed to be taken, that so much of such land as belongs to such village has been so marked out.

Application for transfer of existing water-course.

17. (1) Any person, desiring that an existing water-course should be transferred from its present owner to himself, may apply in writing to the Collector stating—

- (i) that he has endeavoured unsuccessfully to procure such transfer from the owner of such water-course;
- (ii) that he desires the Collector, on his behalf and at his cost, to do all things necessary for procuring such transfer; and
- (iii) that he is able to defray the cost of such transfer.

(2) *Procedure thereupon.*—If the Collector considers—

- (a) that the said transfer is necessary for the better management of the irrigation from such water-course; and
- (b) that the statements in the application are true, he shall call upon the applicant to make such deposit as the Collector considers necessary to defray the cost of the preliminary proceedings and the amount of any compensation that may become due under the provisions of section 19 in respect of such transfer; and, upon such deposit being made, he shall publish a notice of the application in every village affected.

Inquiry into and determination of objection to construction or transfer of water-courses.

18. (1) When within thirty days from the publication of a notice under section 16 or section 17, as the case may be, any person interested in the land or water-course to which the notice refers, applies to the Collector as aforesaid, stating his objection to the construction or transfer for which application has been made, the Collector shall give notice to the other persons interested that, on a day to be named in such notice or any subsequent day to which the proceedings may be adjourned, he will proceed to inquire into the matter in dispute or into the validity of such objections, as the case may be.

(2) Upon the day so named or any such subsequent day as aforesaid, the Collector shall proceed to hear and determine the dispute or the objection, as the case may be.

19. (1) No applicant under section 15 or 17, as the case may be, shall be placed in occupation of such land or water-course until he has paid to the person named by the Collector such amount as the Collector determines to be due as compensation for the land or water-course so occupied or transferred, and for any damage caused by the marking out or occupation of such land, together with all expenses incidental to such occupation or transfer.

Expenses to be paid by applicant for construction or transfer of water-course before receiving occupation

(2) *Procedure in fixing compensation.*—Compensation to be made under this section shall be assessed as provided in section 54 but the Collector may, if the person to be compensated so desires, award such compensation in the form of rent charge payable in respect of the land or water-course occupied or transferred.

(3) *Recovery of compensation and expenses.*—If such compensation and expenses are not paid when demanded by the person entitled to receive the same, the amount may be recovered by the Collector, and shall, when recovered, be paid by him to the person entitled to receive the same.

20. (1) When any such applicant has duly complied with the conditions laid down in section 19, he shall be placed in occupation of the land or water-course as aforesaid, and the following rules and conditions shall thereafter be binding on him and his representatives in interest:—

Condition binding on applicant placed in occupation

(a) In all cases—

First—all works necessary for the passage across such water-course existing previous to its construction and of the drainage intercepted by it, and for affording proper communication across it for the convenience of the neighbouring lands, shall be constructed by the applicant, and be maintained by him or his representatives in interest to the satisfaction of the Collector;

Second—land occupied for a water-course under the provisions of section 16 shall be used only for the purposes of such water-course;

Third—the proposed water-course shall be completed to the satisfaction of the Collector within one year after the applicant is placed in occupation of the land;

(b) in cases in which land is occupied or a water-course is transferred on the terms of a rent charge—

Fourth—the applicant or his representatives in interest shall, so long as he occupied such land or water-course, pay rent for the same at such rate and on such days as are determined by the Collector when the applicant is placed in occupation;

Fifth—if the right to occupy the land ceases owing to a breach of any of these rules, the liability to pay the said rent shall continue until the applicant or his representative in interest has restored the land to its original condition or until he has paid, by way of compensation for any injury done to the said land, such amount and to such person as the Collector determines;

Sixth—the Collector may, on the application of the person entitled to receive such rent or compensation, determine the amount of rent due or assess the amount of such compensation and if any such rent or compensation be not paid by the applicant or his representatives in interest, the Collector may recover the amount with interest thereon at the rate of six per cent per annum from the date on which it became due and shall pay the same when recovered, to the person to whom it is due.

(2) If any of the rules and conditions, prescribed by this section are not complied with, or if any water-course constructed or transferred under this Act is disused for three years continuously, the right of the applicant, or of his representatives in interest, to occupy such land or water-course shall cease absolutely.

Construction of outlets from canals by Collector.

21. The Collector may construct or repair or alter a sluice or outlet to regulate the supply of water from a canal to any water-course.

Power to convert several water-courses running for a long distance side by side into one water-course.

22. (1) In cases where there are water-courses running side by side, or so situated as to interfere with the economical use or proper management of the water supply, the Collector, if applied to for that purpose, or on his own motion, may require the owners to make arrangements to his satisfaction to unite the water-courses or to substitute for them such system as may have been approved by him.

(2) If the owners fail within such time as the Collector may fix to comply with any order passed by him under sub-section (1), the Collector may himself execute the work.

(3) Whenever a water-course has been reconstructed or a new system substituted under sub-section (1) or sub-section (2), the Collector may fix the shares in which the water shall be enjoyed by the persons entitled to use the water-course.

Procedure applicable to occupation for extensions and alterations.

23. The procedure hereinbefore provided for the occupation of land for the construction of water-course shall be applicable to the occupation of land for any extension or alteration of a water-course and for the deposit of soil from water-course clearances.

Costs of executing works under sections 22 by whom payable.

24. In every case under section 22, the cost of executing or completing the works shall be payable by such person or persons deriving benefit from the water-course as the Collector may, in each case, determine.

Powers of the State Government to direct supply of labour by beneficiaries.

25. The State Government may, by notification, direct that a beneficiary shall be bound to furnish unskilled labour to the Government for any one or more of the following purposes in respect of any canal:—

- (a) construction,
- (b) maintenance in a state of efficiency,
- (c) annual silt clearance, and
- (d) executing any work necessary thereto.

Cost of labour to be borne by the owners of the land benefited.

26. (1) The Government may, by notification, direct that a canal shall be constructed from a river, stream, creek or another canal for the irrigation of land in an estate or estates to be mentioned in the notification and that the cost of such construction shall be borne in whole or in part by the owners of the land to be benefited from the canal.

(2) *Provisions of this Act to apply to the new canals.*—The provisions of this Act in regard to the construction, repairs, maintenance and management of canals included in Schedule I shall apply to the new canals constructed in pursuance of the Government notification issued under sub-section (1).

Power of Collector upon issue of notification under section 26.

27. Upon the issue of notification under section 26, the Collector may, from time to time, by general or special order—

- (a) determine the amount of labour to be provided or the amount of work to be performed by each irrigator;
- (b) regulate the attendance, distribution and control of the labourers provided or the manner of the performance of work;

- (c) assess and recover the cost of such labour from any person who fails to comply with an order passed under this section ; and
- (d) fund all costs so recovered and expend them on the provisions of labour engaged for any of the canals to which the notification applies, or subject to the provisions, if any, of the record-of-rights specified in section 28 on any other purpose connected with the well being thereof:

Provided that the costs assessed as aforesaid shall not exceed such an amount as may be prevalent in the area for each day's labour of each of the labourers in respect of whom default has occurred.

28. (1) The Collector shall, whenever the State Government may, by special order or by the rules made under the authority of this Act, so direct, prepare or revise for any canal a record showing all or any of the following matters, namely:—

Power to prepare record for canal.

- (a) the custom or rule of irrigation;
- (b) the rights to water and the conditions on which such rights are enjoyed;
- (c) the rights as to the erection, repair, reconstruction and working of mills, and the conditions on which such rights are enjoyed; and
- (d) such other matters as the Government may, by rule, prescribe in this behalf.

(2) Entries in the record so prepared or revised shall be relevant as evidence in any dispute as to the matters recorded and shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor:

Provided that no such entry shall be so construed as to limit any of the powers conferred on the Government by this Act.

(3) When a record showing all or any of the matters enumerated in sub-section (1) has been framed at any settlement of the land revenue already sanctioned by the Government and has been attested by the revenue officer, such record shall be deemed to have been made under this section.

(4) Every person interested shall be bound to furnish to the Collector, or to any person acting under the directions of the Collector, all information necessary for the correct preparation of a record under this section:

(5) The provisions of chapter IV of the Himachal Pradesh Land Revenue Act, 1954, shall, so far as may be, apply to the preparation and revision of every such record.

WATER RATES

29. (1) Subject to the terms of any agreement made by it with the owners or irrigators, the Government may, by notification, direct that a rate or rates shall be levied for the use of water of a canal in an authorised manner. Such rate or rates shall be determined keeping due regard to the maintenance and operation charges for the system and the cost of collection of the water-rates.

Levy of water rates.

(2) The Government may, by notification, direct that, in addition to or in lieu of the rate or rates above mentioned, the land revenue for the time being assessed on the land receiving canal water shall be enhanced in consequence of the change of class of the land from unirrigated to irrigated:

Provided that the new rate of assessment shall not exceed that fixed at the time of settlement for irrigated lands of the same class in the same village or in its vicinity:

Provided further that the Government may allow such lands to continue to be assessed at the rate or rates at which they were assessed immediately before they became irrigated, for a number of harvests to be fixed by the Government.

(3) The Government may, by notification, also impose a special rate for water obtained or used without authority or in an unauthorised manner.

(4) The rate or rates imposed under sub-section (1) or sub-section (2) or sub-section (3) shall be leviable from such persons deriving benefit from the water as the Government may, by general or special rule, direct.

(5) Subject to the terms of any such agreement as aforesaid, the proceeds of any rate or rates levied under this section shall be disposed of in such manner as the Government may, by general or special rule, direct.

(6) In the event of failure of crop due to reasons beyond the control of the farmer, he shall be entitled to remission of water rates for that crop.

liability
when person
sing unau-
thorisedly
cannot be
identified.

30. If water supplied through a water-course be used in an unauthorised manner, and if the person by whose act or neglect such use has occurred cannot be identified, the person on whose land such water has flowed, if such land has derived benefit therefrom, or if such person cannot be identified, or if such land has not derived benefit therefrom, all the persons chargeable in respect of the water supplied through such water-course, shall be liable, or jointly liable, as the case may be, to the charges made for such use.

penalty
when water
runs to
waste.

31. If water supplied through a water-course, be suffered to run to waste, and if, after inquiry by the Collector, the person through whose act or neglect such water was suffered to run to waste cannot be discovered, all the persons chargeable in respect of the water supplied through such water-source shall be jointly liable for the charges made in respect of the water so wasted.

charges
recoverable
in addition
to penalties.

32. (1) All charges for the unauthorised use or for waste of water may be recovered in addition to any penalties incurred on account of such use or waste.

(2) All questions under section 30 and section 31 shall be decided by the Collector.

CHAPTER IV PROVISIONS APPLICABLE TO CANALS INCLUDED UNDER SCHEDULE II

this chap-
ter is appli-
cable only
to canals
under Sch-
dule II.

33. (1) Except as the Government may otherwise direct under section 68, the provisions of this chapter shall apply only to canals for the time being included under Schedule II.

(2) *Appointment of Manager.*—Where there are numerous share-holders in the ownership of canal or where it is difficult to ascertain the persons who are share-holders, or the extent of the interest of the share-holders, or any of them, the Collector may, if there is no proper manager or representative, require, by a proclamation or notice in writing, the share-holders to nominate, within a given period, a fit person as manager of the canal and their representative, and, upon their failure to do so, may himself appoint any person to be the manager of such canal and the representative of the share-holders, and the person so appointed may thereupon do all acts and things which the share-holders, or any of them might lawfully do in regard to the management of such canal, and all acts and things so done by him shall be binding upon every person who possesses any share in the ownership of such canal.

power of
the State
Government
to apply the
provisions
of section
to any
canal.

34. The State Government may, by notification, declare all or any of the provisions of section 28 (as to the preparation and revision of records) to be applicable to any canal, and upon any such declaration being made, such provisions shall, as far as may be, apply accordingly.

35. (1) It shall be lawful for the Government by notification to assume the control or management, or both, of any canal—

Power to assume control or management or both of a canal.

- (a) if the owner of such canal consents thereto, and subject to the condition (if any) on which such consent may in any case be given;
- (b) if, after inquiry, the Government is satisfied that the control or management exercised by or on behalf of the owner is such as causes grave injury to the property or health of persons owning lands in the vicinity; and
- (c) in the event of any wilful and continuous breach of orders issued under section 38 of this Act.

(2) When the control or management or both of any canal is assumed under the provisions of sub-section (1), the Government may exercise all or any of the rights and powers in regard thereto which, but for such assumption, the owner might lawfully have exercised and may delegate such powers or any of them to any person, but the Government shall, in the absence of any decree or agreement to the contrary, be liable to account, from time to time, to such owner for the income and expenditure thereof and may, at any time restore the canal to the owner.

36. When the control, or management, or both, of a canal shall be assumed by the Government under clause (b) or clause (c) of sub-section (1) of section 35, and such control or management shall have continued for a period exceeding six years, the owner thereof may, by notice in writing delivered to the Collector, require that the Government shall acquire such canal.

Right of owner upon such assumption to demand that the canal shall be acquired by the Government.

37. On receipt of notice under section 36, the State Government shall, by notification, declare that the said canal will be acquired after a day to be named in the said notification, not being earlier than three months from the date thereof, and after the issue of such notification, the Collector shall proceed as provided in sections 45 and 46.

Power to acquire canal on demand of owner.

38. The State Government may, after inquiry through the Collector, in respect of any canal, issue orders as to all or any of the following things, namely:—

Power to fix the limits of irrigation and water rates and to regulate the distribution of water.

- (a) fixing the limits within which land may be irrigated from such canal;
- (b) fixing, as it may deem equitable, the amount and character of the water rates leviable by the owner, and the conditions on which such rates are to be paid, suspended, remitted or refunded; and
- (c) regulating the supply and distribution of the water to and from such canal:

Provided that if any land which has been continuously irrigated from the canal for three years, previously, is deprived of irrigation, or the income of the canal owner from such canal is materially reduced by reasons of any order passed under this section, the owners of such land or the canal owner shall be paid by the Government or by such persons as the Government may determine such compensation as the Collector may consider reasonable:

Provided further that if the canal owner has, in the opinion of the Government, exercised his powers as such in an arbitrary or inequitable manner, he shall not be entitled to compensation under this section.

39. (1) The State Government may, at the request of the owner, undertake the collection of the water rates leviable in respect of canal for such period as may be agreed upon with him, and may, thereupon,—

Collection in certain cases of water rates of canal by the State Government.

- (a) regulate such collection and determine the persons by whom it shall be made; and
- (b) direct that by way of payment for service rendered in making such collections, deductions, shall be made not exceeding three per cent of the amount collected.

(2) During the period for which the Government has undertaken the collection of the water-rates leviable in respect of a canal, no suit for the recovery of any such rates shall be instituted.

CHAPTER V PROVISIONS APPLICABLE TO ALL CANALS

40. Save as otherwise hereinafter expressly provided, the provisions of this chapter shall be applicable to all canals, whether included under Schedule I or under Schedule II.

41. (1) Whenever, in respect of any canal, any question arises which has, under this Act or the rules made thereunder, to be determined by the request, consent or decision of the owner, and the ownership of such canal is vested in more persons than one who are unable to agree to such request, consent or decision, it shall be lawful to the Collector to act on behalf of the owners in any such matter, and the request, consent or decision of the Collector in any such case shall be binding upon every person who possesses any share in the ownership of such canal.

(2) In every such case as aforesaid, the Collector shall give due consideration to the wishes of the shareholder or shareholders who possess the larger interest and when the question is one whether the Government shall be required to take any action, the wishes of such shareholder or shareholders shall prevail and be accepted by the Collector.

42. (1) Save as provided in the preceding section, whenever a dispute arises between two or more persons in regard to their mutual rights and liabilities in respect of the ownership, construction, use or maintenance of a canal or water-course, and any such person applies in writing to the Collector stating the matter in dispute, the Collector shall give notice to the other person or persons interested that on a day to be named in such notice or any such day to which the proceedings may be adjourned, he will proceed to inquire into the matter in dispute.

(2) Upon the day so named or any such subsequent day as aforesaid, the Collector shall proceed to hear and determine the dispute in the following manner, that is to say,—

(a) if the dispute relates to the ownership of a canal or the mutual rights of owners in the use of the water of such canal or the construction or maintenance of a canal or the payment of any share of the costs of such construction or maintenance or the distribution of the supply of water from a canal, the Collector shall proceed as a revenue court under the provisions of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 and the provisions of that Act regarding appeals, revisions and reviews shall be applicable;

(b) if the dispute relates to a water-course, the Collector shall hear and determine the case as a revenue officer and shall make such order thereon as to him seems fit, and such order shall, unless set aside on appeal to the Financial Commissioner, be conclusive as to use or distribution of water for any crop sown or growing at the date of such order. The order of the Financial Commissioner on appeal shall in every case be final.

43. (1) Any person who has obtained the permission of the Government to construct, or who owns a canal may apply in writing to the Collector to take up any land required for the purposes of such canal.

(2) If the Collector is of the opinion that the application should be granted, he shall submit it, with his recommendation, for the orders of the Government.

(3) If, in the opinion of the Government, the application should, whether in whole or in part, be granted, it may declare that the land is required for a public purpose

within the meaning of the Land Acquisition Act, 1894, and direct the necessary action to be taken thereunder.

44. Whenever it appears to the Government expedient in the public interest to acquire any canal, the State Government may, by notification, declare that the said canal will be required after a day to be named in the said notification not being earlier than six months from the date thereof.

45. As soon as practicable after the issue of such notification, the Collector shall cause public notice to be given at convenient places stating that the State Government intends to acquire the said canals as aforesaid and that claim for compensation in respect of the acquisition thereof may be made before him.

46. (1) The Collector shall proceed to inquire into any such claim and to determine the amount of compensation which should be given to the claimant. In assessing such compensation, the Collector shall proceed as provided in section 54, but for the purpose of this section he shall also have regard to the history of the canal, the expenditure incurred thereon and the profits of the owners.

(2) *Limitation of claims.*—No claim for compensation shall be enforceable after the expiration of one year from the date of the notice under section 45 unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

47. (1) The Government shall, by notification, declare the day on which a canal has been acquired by it.

(2) Subject to the award of compensation to the owner of the said canal, when the Government acquires a canal—

(a) the right, title and interest therein of the owner thereof shall forthwith cease and determine; and

(b) such canal, subject to any rights to take water for irrigation which any person may have, shall forthwith vest in and be the absolute property of the Government.

48. The Government may, by notification published in the Official Gazette, take power to regulate the flow of water in any river, creek, natural channel or line of natural drainage, whether by the construction or removal of works or otherwise, and whenever it appears to the Government after inquiry through the Collector that the supply of water to a canal or the cultivation of any land or the public health or public convenience is likely to be injuriously affected by the obstruction of any river, creek, natural channel or line of natural drainage it may, by notification published as aforesaid, prohibit within the limits to be defined by such notification the formation of such obstruction or may, within such limits, order the removal of, or the modification of, such obstruction.

49. (1) The Collector may, after such publication, issue an order to the person causing or having control over any such obstruction to remove or modify the same within a time to be fixed in the order.

(2) The Collector may himself remove or modify the obstruction—

(a) if the person to whom the order under sub-section (1) was issued fails to comply with that order within the time so fixed; and

(b) in any case where the obstruction is not caused or controlled by any person.

(3) The Collector shall determine from whom the cost of removing or modifying the obstruction shall be recovered, and the amount of compensation due to any person injuriously affected by the removal or modification of the obstruction and the person by whom such compensation shall be payable:

Provided that no compensation shall be awarded for an advantage obtained by an arbitrary or inequitable course of action.

Power of the Collector to regulate flow of water and prohibit or remove obstructions.

50. When the Government has, by notification as provided in section 48, taken power to regulate the flow of water in any river, creek or natural channel or line of natural drainage, it may authorise the Collector to exercise such powers on its behalf in accordance with such rules as it may prescribe. A Collector so authorised may in the execution of such rules exercise all the powers conferred upon him by section 49 and his authority shall include the power to take such action as the Government is empowered by section 48 to take after inquiry through the Collector. Such authority may, on every occasion, be exercised without the publication of any further notification in the Official Gazette.

Power as to the construction and the maintenance of works in respect of canals under Schedule II.

51. (1) The Collector may, at any time, order the beneficiary of any canal included under Schedule II to—

- (a) repair and maintain, in a proper state, all or any embankments, protective works, reservoirs, channels, water-courses, sluices, outlets and other works connected with the canal;
- (b) construct, repair and maintain, in a proper state, a suitable bridge, culvert, or similar work at any place across, under or over the canal, for the purpose of providing communication with any public road or thoroughfare which was in use before the canal was made;
- (c) construct, repair and maintain, in a proper state, suitable works for the passage of the water of the canal across, under, or over any public road or thoroughfare or any canal or drainage or channel, which was in use before the canal was made;
- (d) construct, repair and maintain, in a proper state suitable regulator at or near the head of the canal, where for want of such regulator, an excessive supply of water may enter the canal or cause damage to it, or any crops, lands, road, or property in the neighbourhood.

(2) The Collector may, at any time order a beneficiary to furnish unskilled labour free of cost for any one or more of the purposes specified in section 25 of this Act.

(3) Every order under sub-sections (1) and (2) shall be in writing and shall specify a reasonable time within which the works or repairs mentioned therein shall be completely executed.

(4) If any order made under this section is not obeyed, to the satisfaction of the Collector, within the time therein specified, the Collector may himself execute or complete the execution of, or cause to be executed or completed, all works or repairs specified in the order.

Power as to construction and maintenance of works in respect of canals under Schedule I.

52. In the case of canals included under Schedule I, the Collector may—

- (a) call upon the beneficiary to discharge any of the liabilities specified in section 51, sub-section (1), which the Government may have declared to attach to the beneficiary from such canal or group of canals; or
- (b) himself arrange for the performance of such acts and recover cost as provided in section 56.

53. (1) If any new work is immediately required to prevent serious detriment to the utility of a canal, the Collector may, notwithstanding anything contained in the Land Acquisition Act, 1894, take immediate possession of any land required for the construction of the work.

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(2) When the Collector has taken possession of any land under sub-section (1), he shall, upon application made to him in this behalf, assess and pay compensation under section 54.

(3) In the event of sudden and serious damage or urgent risk to canal or to property situated in the immediate neighbourhood thereof, or to irrigation carried therefrom or to the public traffic, the Collector may, after giving previous notice, execute or cause to be executed, such works as he may think necessary in order to remedy or prevent such damage or risk, and may require any irrigator to furnish such labour as the said Collector may deem reasonable and necessary for the immediate execution of such work.

(4) Labour furnished under this section shall be paid at the local market rate.

(5) An order passed under sub-sections (3) and (4) shall be final.

54. In assessing the amount of compensation to be paid under any section of this Act, other than sections 11, 13, 20, 38 and 49, the Collector shall proceed under the provisions of the Land Acquisition Act, 1894 and the provisions of that Act regarding inquiries and awards by the Collector, reference to the civil courts and procedure thereon, apportionment of compensation, payment and appeals shall, as far as may be, be applicable to all proceedings under this section.

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55. With the consent of the parties, the Collector may, when assessing the amount of compensation to be paid, direct, in the case of any acquisition of land, that the property in such land shall remain with the owner subject to a right of user so long as the land is required for the purpose of the canal or water-course, compensation being awarded for the right of user only, or in the case of an acquisition of canal, or of land for the purposes of a canal, that the compensation shall take the form in whole or in part of a right to a supply of water from the canal which has been acquired or for the purposes for which land has been acquired.

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56. (1) When any land is acquired under the provisions of section 43 or when any work is executed by or under the order of the Collector under the provisions of section 49, section 51, section 52 or section 53, the cost of acquiring such land or of executing such work, as the case may be, shall be recoverable—

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(a) if the canal is included under Schedule II, from the owner thereof; or

(b) if the canal is included under Schedule I, from the irrigators or such of them as are, in the opinion of the Collector, benefited or likely to be benefited by the acquisition or equitably liable for the whole or any part of the cost of executing the work or from the proceeds of any water rate levied under section 29; and

(c) if such appropriation is not contrary to the provisions of the record-of-rights specified in section 28 of this Act, from the fund referred to in section 27 of this Act.

(2) When the cost of acquiring any land or of executing any work is, under the provisions of sub-section (1), recoverable from the owner of any canal or from the irrigators therefrom, or any of them, it shall be lawful for the Collector to apportion such cost as he may deem equitable, among all or any of the persons liable for the whole or any portion thereof and such apportionment shall be final.

(3) When the cost of acquiring such land has been paid, such land, if acquired in full proprietary rights, shall become the property of the canal-owner.

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57. The Government may, by general or special order, prohibit or regulate the construction of new, and regulate the use of existing mills upon canals, and appropriation of the water of canals, for working mills.

58. Except in so far as a contrary intention is expressed, sections 14 to 17 (both inclusive) of the Himachal Pradesh Land Revenue Act, 1954 shall apply to all proceedings under this Act.

59. Save as provided in section 54, no civil court shall have jurisdiction in any matter which a revenue officer or revenue court is empowered by this Act to dispose of, or take cognizance of the matter in which the Government, any revenue officer or revenue court exercises any powers vested in it or him by or under this Act.

60. (1) The Government may appoint any person or any class of officials to perform any functions or to exercise any powers under this Act or the rules made thereunder conferred on or vested in the Collector, Commissioner, Financial Commissioner or such Government.

(2) Such appointment may be made in respect of any canal or of all or any of the canals situate within any specified local area.

(3) In all matters connected with this Act, the Government, shall have and exercise over the Financial Commissioner, the Commissioner, and the Collector and the Financial Commissioner shall have and exercise over the Commissioner, and the Collector and the Commissioner, shall have and exercise over the Collector, the same authority and control as it or they respectively have and exercise over them in the general and revenue administration.

61. For the purposes of every enquiry made and proceedings taken under this Act, the Collector, or any other revenue officer, authorised by him in this behalf, or any other officer authorised by the Government shall have power to summon and enforce the attendance of, and examine, parties and witnesses and compel the production of documents, and, for all or any of these purposes, may exercise all or any of the powers conferred on a civil court by the Code of Civil Procedure, 1908, and every such inquiry shall for the purposes of the Indian Penal Code, 1860 be deemed to be judicial proceedings.

62. In all cases under sections 6, 10, 20, 22, 24, 30, 31, 33, 35, 37, 38, 39, 41, 42, 46, 48, 49, 51, 52 and 56 of this Act, the owners and other parties interested in the canal shall be given an opportunity of appearing before the Collector and of showing cause to the contrary.

63. Every summons, notice, proclamation and other process issued under this Act, shall, as far as may be, be served or made in the manner provided in that behalf in sections 21, 22 and 23 of the Himachal Pradesh Land Revenue Act, 1954.

64. Save as otherwise expressly provided in this Act, no person shall be entitled to recover any compensation for anything at any time done or in good faith intended to be done in exercise of any power conferred by this Act, or by the rules made thereunder.

65. No suit, prosecution or other legal proceedings shall lie against any person for anything done, or in good faith intended to be done, in exercise of any power conferred by this Act, or by the rules made thereunder.

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66. (1) In any suit or proceedings in which any entry made in any record prepared under section 28 or section 34 is directly or indirectly called in question, the court shall, before the final settlement of issues, give notice of the suit or proceedings to the Collector, and, if moved to do so by the Collector, shall make the Government a party to the same.

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(2) *Bar of other suits against the Government.*—Save as provided in sub-section (1), no suit shall lie against the Government in respect of anything done by the Collector or by any person acting under the orders of the State Government in exercise of any power by this Act conferred on such Collector or the Government.

67. All water-dues, water-rates and other payments at any time due by or to be collected from any person under any provision of this Act or under an agreement entered into by the owners of the canal with the person irrigating from it and all arrears of such water-dues, water-rates or other payments shall be recoverable as if the same were arrears of land revenue.

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68. Any or all of the powers exercisable by the Government under this Act in respect of any canal, river or creek may be exercised by such Government in the case of any canal, river or creek which is, or may, at any time, be situated partly within and partly without the limits of Himachal Pradesh, and in respect of so much of any such canal, river or creek as is within these limits and in the case of any such canal, river or creek, the Government may, by notification and notwithstanding the provisions of section 2, declare what sections of this Act shall be applicable thereto.

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69. In respect of any canal situated beyond the limits of Himachal Pradesh, the Government may, by notification published in the official gazette, declare that the powers exercisable by a Collector under section 53, may, under the circumstances therein specified be exercised by the Collector or other authorised officers within the limits of Himachal Pradesh for all or any of the purposes of such canal.

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70. Whoever, without proper authority and voluntarily, does any of the acts following, that is to say:—

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- (1) damages, alters, enlarges or obstructs any canal;
- (2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any canal;
- (3) interferes with or alters the flow of water in any river, creek or stream so as to endanger, damage or render less useful any canal;
- (4) being responsible for the maintenance of any water-course or using a water-course, neglects to take proper precautions for the prevention of waste of the water thereof or interferes with the authorised distribution of the water therefrom or uses such water in an unauthorised manner;
- (5) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;
- (6) being liable to furnish labour under this Act, fails, without reasonable cause, to supply or to assist in supplying the labour required of him;

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- (7) being liable to supply labour under this Act, neglects, without reasonable cause, so to supply and to continue to supply labour;
- (8) destroys or removes any level-mark of water-guage fixed by the authority of a public servant;
- (9) passes or causes animals or vehicles to pass on or across any of the works, banks or channels of a canal contrary to rules made under this Act after he has been desired to desist therefrom;
- (10) disobeys any order or proclamation issued under this Act, or commits any breach of any rule made thereunder;

shall be liable, on conviction before a magistrate of such class as the State Government directs in this behalf, to fine not exceeding five hundred rupees or to imprisonment not exceeding one month or to both.

71. Any person-in-charge of or employed upon a canal managed by a public servant or by a local body, including a gram panchayat, may remove from the lands or buildings belonging thereto, may take into custody without a warrant and take forthwith before a magistrate, or to the nearest police station, to be dealt with according to law any person who, within his view, commits any of the following offences:—

- (1) wilfully damages or obstructs any canal;
- (2) without proper authority interferes with the supply of or flow of water in or from any canal or in any river or stream, so as to endanger, damage or render less useful any canal.

72. In sections 70 and 71, the word "canal" shall (unless there be something repugnant in the subject or context) be deemed to include also all lands occupied for the purposes of canal and all buildings, machinery, fences, gates, and other erections, trees, crops, plantations or other produce upon such lands.

73. (1) The Government may, by notification, make rules, consistent with this Act, regulating any matter in regard to which any power is, by this Act, conferred upon the Government, or upon any officer of the Government and generally to carry out the purposes of this Act.

(2) Without prejudice to the generality of the power conferred by sub-section (1), rules made under this Act, may provide for the levy of a rate imposed upon land in consideration of its protection from sand or flood.

(3) All rules made under sub-section (1) shall be so made after previous publication in the official gazette.

(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

74. From the date of commencement of this Act the Himachal Pradesh Minor Canals Act, 1955, as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966, and the Punjab Minor Canals Act, 1905, the Punjab State Tubewell Act, 1954 and the Northern India Canals and Drainage Act, 1873, as in force in the areas transferred to Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966, shall stand repealed:

Provided that anything done or any action taken or any proceedings commenced or continued under the said Acts shall be deemed to have been done, taken, commenced or continued under the corresponding provisions of this Act.

SCHEDULE I

Sr. No. Name of Scheme

Tehsil

SIMLA DISTRICT

1. Chaknol Kuhl	Kotkhai
2. Jaltar Kuhl	-do-
3. Bagra Kuhl	-do-
4. Panli Kuhl	-do-
5. Paleurla Kuhl	-do-
6. Karasa Kuhl	Rohru
7. Ganda Nawar Kuhl	-do-
8. Ranol Kuhl	-do-
9. Masli Kuhl	-do-
10. Annu Bass Kuhl	-do-
11. Kupri Kuhl	-do-
12. Hatkoti Kuhl	-do-
13. Kui Kuhl	-do-
14. Rantari Kuhl	-do-
15. Parth Kuhl	-do-
16. Guma Kuhl	-do-
17. Naula Kuhl	Kumarsain
18. Chauhan Kuhl	-do-
19. Chabir Kuhl	-do-
20. Ursoo Kuhl	-do-
21. Kepu Kuhl	-do-
22. Khekar Kuhl	-do-
23. Pianoo Kuhl	-do-
24. Teshion Kuhl	-do-
25. Nohna Rewali Kuhl	-do-
26. Knot Kofta Kuhl	-do-
27. Nirath Kuhl	Rampur
28. Nirsoo Kuhl	-do-
29. Ropri Narola Kuhl	-do-
30. Hargaon Kuhl	Kasumpti
31. Shoya Garch Kuhl	-do-
32. Shali Dhar Deothi Kuhl	-do-
33. Chamaroo Kuhl	Jubbal
34. Sackruru Kuhl	Suni
35. Suni Kuhl	-do-
36. Tikri Kuhl	Theog
37. Shariana Kuhl	-do-
38. Cheog Kuhl	-do-
39. Sainj Kuhl	-do-
40. Parala Kuhl	-do-
41. Nar Kuhl	Chopal
42. Bash Kuhl	-do-
43. Khekhhar Kuhl	-do-

SIRMUR DISTRICT

1. Jarag Kuhl	Renuka
2. Chulli Kuhl	-do-
3. Kainthla Sain Dhar Kuhl	-do-

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S. No.	Name of Scheme	Tehsil
4.	Gulja Gawan Dhar Kuhl	Renuka
5.	Hune Village Kuhl	-do-
6.	Charana Kuhl	-do-
7.	Benog Kuhl	-do-
8.	Dhabar Majra Dugi Kuhl	-do-
9.	Randli Kuhl	-do-
10.	Jammu Koti Kuhl	-do-
11.	4" dia. pipe line for Bhawai	-do-
12.	Dhar Taran Kuhl	-do-
13.	Nahara Kuhl	-do-
14.	Amboya Kuhl	Paonta
15.	Kalwala Kuhl	-do-
16.	Dondli Kuhl	-do-
17.	Dhangli Kuhl	-do-
18.	Santaun Kuhl	-do-
19.	Bhud Kuhl	-do-
20.	Rampur Giri canal	-do-
21.	Majra Batta scheme (canal)	-do-
22.	Giri Puruwala canal	-do-
23.	Lift Irrigation	Bata Mandi
24.	-do-	Satiwala
25.	-do-	Behral
26.	-do-	Upper Behral
27.	-do-	Kalawar
28.	-do-	Ghutanpur
29.	-do-	for village Bhagani stage I.
30.	-do-	Patlian
31.	Blanta Kuhl	Pachhad
32.	Lakhot Kuhl	-do-
33.	Padhab Kuhl	-do-
34.	Lana Kotla Kuhl	-do-
35.	Son Kuhl	-do-
36.	Dabar Kuhl	-do-
37.	Dewaria Kuhl	-do-
38.	Dewaria Dasuna Kuhl	-do-
39.	Rajon Kuhl	-do-
40.	Anji Kuhl	-do-
41.	Jinot Kuhl	-do-
42.	Sitar Kuhl	-do-
43.	Saron Kuhl	-do-
44.	Nahara Kuhl	-do-
45.	Chakrion Kuhl	-do-
46.	Thorniwar Kuhl	-do-
47.	Lana Khard Kuhl	-do-
48.	Nahan Dhar Kuhl No. I	-do-
49.	Nahan Dhar Kuhl No. II	-do-
50.	Kulth Kuhl	-do-
51.	Jehar Kuhl No. I	-do-
52.	Candal Kuhl	-do-
53.	Dewaria Nadhop Kuhl	-do-
54.	Kheri Salyar Kuhl	-do-
55.	Karganoo Kuhl	-do-
56.	Jehar Kuhl No. 2	-do-

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S. No.	Name of Scheme	Tehsil
57.	Kotli Kuhl	Pachhad
58.	Amorin Kuhl	Nahan
59.	Kandi wala Kuhl	-do-
60.	Deokai Kuhl	-do-
61.	Sakrdi Kuhl	-do-
62.	Kanyon Kuhl	-do-
63.	Weir Well at Sita Kira Kuhl	-do-
64.	Chakli Kuhl	-do-
65.	Salani Moginand Kuhl	-do-
66.	Bikram Begh Kuhl	-do-
67.	Pipal-Ka-Moja Kuhl	-do-
68.	Baram Papri Kuhl	-do-
69.	Amita Kuhl	-do-
70.	Chowaria Kuhl	-do-
71.	Kiari Kuhl	-do-
72.	Dabhah Kuhl	-do-
73.	Bhawai Kuhl	-do-
74.	Gohar Batal Kuhl	-do-
75.	Sari Sarla Kuhl	-do-
76.	Suni Bhagher Kuhl	-do-
77.	Bharot Kuhl	-do-
78.	Jabli Kuhl	-do-
79.	Kot Beja Kuhl	-do-
80.	Chakli Khilan Kuhl	-do-
81.	Lift Irrigation Scheme Konthron	-do-
82.	-do- Manthapal	-do-
83.	-do- Nagal	-do-
84.	-do- Khera	-do-

SOLAN DISTRICT

1.	Raj Kuhl	Nalagarh
2.	Ram Kuhl	-do-
3.	L. I. S. for village Baddi/Sitalpur in Tehsil Nalagarh.	-do-
4.	L. I. S. for village Kanduwal in Tehsil Nalagarh.	-do-
5.	L. I. S. for village Dasso Majra in Tehsil Nalagarh.	-do-
6.	L. I. S. for village L/Kalyanpur in Tehsil Nalagarh.	-do-
7.	L. I. S. for village Nanowal in Tehsil Nalagarh.	-do-
8.	L. I. S. for village Salewal in Tehsil Nalagarh.	-do-
9.	L. I. S. for village Chunri in Tehsil Nalagrah	-do-
10.	L. I. S. for village Nahar Singh Mandiarapur	-do-
11.	Nagaun Kuhl	Arki
12.	Gohal Kuhl	-do-
13.	Suni Bughar Kuhl	-do-
14.	Seri Sarla Kuhl	-do-
15.	Gohar Batal Kuhl	-do-
16.	Kot Beja Kuhl	Solan
17.	Dharot Kuhl	-do-
18.	Gabli Kuhl	-do-

<i>S. No.</i>	<i>Name of Scheme</i>	<i>Tehsil</i>
MANDI DISTRICT		
1.	Jahmet Kuhl	Sundernagar
2.	Janam Kuhl	-do-
3.	Maha Devi Kuhl	-do-
4.	Jai Devi Kuhl	-do-
5.	Salapar Kuhl	-do-
6.	Klaud Kuhl	-do-
7.	Dehar Kuhl	-do-
8.	Khanot Kuhl	Sarkaghat
9.	Dhaboi Kuhl	-do-
10.	Improvement and Remodelling of Tana Kuhl	-do-
11.	Khudla Kuhl	-do-
12.	Thana Kuhl	-do-
13.	Paonta Kuhl	-do-
14.	Tannu and Tang Kuhl	Jogindernagar
15.	Hydro Kuhl	-do-
16.	Kas Kuhl	-do-
17.	Ropa Pudar Kuhl	-do-
18.	Pali Kuhl	-do-
19.	Janaw Jogi Kuhl	-do-
20.	Kohta Sapru Kuhl	-do-
21.	Awar Kuhl	-do-
22.	Manoh Mahjarnu Kuhl	-do-
23.	Banon Kuhl	-do-
24.	Jhim Jhima Kuhl	-do-
25.	Kalyan Kuhl	-do-
26.	Ladruin Kuhl	-do-
27.	Narala Kuhl	-do-
28.	Dehlu Kuhl	-do-
29.	Dherola Benon Kuhl	-do-
30.	Ahju Kuhl	-do-
31.	Drahal Kuhl	-do-
32.	Chawhan Kuhl	Sadar Mandi
33.	Pipe line in village Panjai	-do-
34.	Bassu Kuhl	-do-
35.	Gird and Ganpanti Kuhl	-do-
36.	Karnodi Kuhl	-do-
37.	Upper Lahardi Kuhl	-do-
38.	Moora Masit Kuhl	-do-
39.	Dhar Kuhl	-do-
40.	Balh Chalarag Kuhl	-do-
41.	Upper Bhangoo Kuhl	-do-
42.	Chatru Kuhl	-do-
43.	Kansa Kuhl	-do-
44.	Dodar Kuhl	-do-
45.	Towan flood protection	-do-
46.	Janed Kuhl	-do-
47.	Nagchalla Lift scheme	-do-
48.	Lift Irrigation scheme Nagwain Tikoli	-do-
49.	-do- Tikoli	-do-
50.	Pipe line village Panjgana	Karsog
51.	Improvement of Kandol Kuhl	Chachiot
52.	Nagwani Kuhl	-do-

S. No.	Name of Scheme	Tehsil
53.	Sainj Kuhl	Chachiot
54.	Chail Kuhl	-do-
55.	Baga Kuhl	-do-

KULU DISTRICT

1.	L. I. S. Bhunter	Kulu
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BILASPUR DISTRICT

1.	Chandpur canal stage I	Sadar Bilaspur
2.	Kasol Kuhl	Ghumarwin
3.	Ladda Bajwin Kuhl	-do-
4.	Talai Duslehra Kuhl	-do-
5.	Bajon Kuhl	-do-
6.	Chaklu (Chinini) Kuhl	-do-
7.	Chuli Kuhl	-do-
8.	Satora Kuhl	-do-
9.	Dubrah Kuhl	-do-
10.	Guza Gandhor Kuhl	-do-
11.	Kandiawala Kuhl	-do-
12.	Kiari Kuhl	-do-
13.	Suni Bhughat	-do-
14.	Gohar Batal Kuhl	-do-
15.	Seri Sarla Kuhl	-do-
16.	Sakrori Kuhl	-do-
17.	Suni Kuhl	-do-
18.	Rukmani Barora Kuhl	-do-
19.	Improvement of Auhar Kuhl	-do-
20.	Malorihi Smog Kuhl	-do-
21.	Lift Irrigation Scheme Sunhani	-do-
22.	-do- Bhallu	-do-
23.	-do- Dasslehra	-do-
24.	-do- Dabhla	-do-
25.	-do- Bhadrog	-do-
26.	-do- Ghumarwin	-do-
27.	-do- Parnal	-do-
28.	-do- Meri-Kathala	-do-
29.	-do- Domehra	-do-

KANGRA DISTRICT

1.	Lower Baijnath Kuhl	Palampur
2.	Thakurdwara Kuhl	-do-
3.	L.I.S. Jaisinghpur	-do-
4.	-do- Harsi	-do-
5.	-do- Thural	-do-
6.	Tubewell Bhahnehar canal	Nurpur
7.	L. I. S. for village Tikka Har	-do-
8.	-do- Kuthehar	-do-
9.	-do- Anuhi	-do-
10.	-do- Sukahar	-do-
11.	-do- Jawali	-do-
12.	-do- Chuaharpur	-do-

S. No.	Name of Scheme	Tehsil
13.	L. I. S. for village Har	Nurpur
14.	-do- Bassa Waziran	-do-
15.	-do- Sullia Hydram	-do-
16.	-do- Bharoli	Dehra
17.	-do- Kuhna	-do-

UNA DISTRICT

1.	L. I. S. for village Jankaur	Una
2.	-do- Basal	-do-
3.	-do- Tiuri	-do-
4.	-do- Churru	-do-
5.	-do- Karluhi	-do-
6.	-do- Andora	Amb
7.	-do- Palkwah	Una
8.	-do- Oel	Amb
9.	-do- Bhadrauri	-do-
10.	-do- Shibbari	-do-
11.	-do- Gagret	-do-
12.	-do- Badaun	-do-

TUBEWELLS

13.	Tubewell No. 1 in village Kaloh	Amb
14.	-do- No. 2 in village Kaloh	-do-
15.	-do- No. 3 in village Badoh	-do-
16.	-do- No. 4 in village Badoh	-do-
17.	-do- No. 5 in village Tatera	-do-
18.	-do- No. 6 in village Tatera	-do-
19.	-do- No. 7 in village Mova Sindian	-do-
20.	-do- No. 8 in village Mova Sindian	-do-
21.	-do- No. 9 in village Kuthera Jaswalan	-do-
22.	-do- No. 10 in village Kuthera Jaswalan	-do-
23.	-do- No. 11 in village Toharli	-do-
24.	-do- No. 12 in village Toharli	-do-
25.	-do- No. 13 in village Koeri	-do-

CHAMBA DISTRICT

1.	Lower Chowari Kuhl	Bhatiyat
2.	Upper most Chowari Kuhl	-do-
3.	Upper Chowari Kuhl	-do-
4.	Dhirriara	-do-
5.	Dhurmala Seontha Kuhl	-do-
6.	Nani Khad Kuhl	-do-
7.	Duka Kuhl	-do-
8.	Chatrarie Kuhl	-do-
9.	Khaggol Seontha Kuhl	-do-
10.	Mail Kuhl	-do-
11.	Lower Smot Kuhl	-do-
12.	Upper Smot Kuhl	-do-
13.	Bilpura Kuhl	-do-
14.	Laholi Khad Ralyama Kuhl	-do-

S. No.	Name of Scheme	Tehsil
15.	Kharagat Kuhl	Bhatiyat
16.	Bhujjol Trimbai Kuhl	-do-
17.	Cheol Kuhl	-do-
18.	Thalail Kuhl	-do-
19.	Ran Kuhl	-do-
20.	Lower Mila Kuhl	-do-
21.	Bharian Kuhl	Chamba
22.	Mangla Kuhl	-do-
23.	Kakian Kuhl	-do-
24.	Kiree Kuhl	-do-
25.	Dulara Kuhl	-do-
26.	Tangral Kuhl	-do-
27.	Bhadrun Kuhl	-do-
28.	Lower Bhanota Kuhl	-do-
29.	Sahu Kuhl	-do-
30.	Rajendu Kuhl	-do-
31.	Saram Kuhl	-do-
32.	Palaur Kuhl	-do-
33.	Nagoli Khad Pandol Kuhl	-do-
34.	Imp. of Kail Kuhl	-do-
35.	Khar Nalla Dhundiara Kuhl	-do-
36.	Saworla Kuhl	-do-
37.	Seri Salaga Kuhl	-do-
38.	Upper Bhanota Kuhl	-do-
39.	Silla Khad Sarol	-do-
40.	Mandol Kuhl	-do-
41.	Bhadram Kuhl	-do-
42.	Khajiala Khad Kuhl	-do-
43.	Khera, Khad Jalla Khui Kuhl	-do-
44.	Khemi Crima Kuhl	Bharmour
45.	Mehla Tipri Kuhl	-do-
46.	Bakani Kuhl	-do-
47.	Neki Kuhl	Bhatiyat
48.	Bharoo-re-Kakian Kuhl	-do-
49.	Agoli Kuhl	-do-
50.	Sher Kuhl	-do-
51.	Tundi Kuhl	-do-
52.	Balana Kuhl	-do-
53.	Chakki Khad Raipur Kuhl	-do-
54.	Bainskha Kuhl	Sadar
55.	Saran Salaudri Jund Kuhl	-do-
56.	Patned Kuhl, Behli Kuhl	-do-
57.	Sarol Kuhl	-do-
58.	Maroord Kuhl	-do-
59.	Rohini Kuhl	-do-
60.	Mangalore Kuhl	-do-
61.	Sarahan Kuhl	-do-
62.	Saroli Kuhl	-do-
63.	Khured Khad masson Kuhl	-do-
64.	Upper Baniker Kuhl	-do-
65.	Salan Pari Nala Judh Kuhl	-do-
66.	Patned Khad Behali Kuhl	-do-
67.	Salandi Nala Kuhl	-do-

<i>S. No.</i>	<i>Name of Scheme</i>	<i>Tehsil</i>
KINNAUR DISTRICT		
1.	Jani Kuhl	Kalpa
2.	Pooh Kuhl	-do-
3.	Permesering Kuhl	-do-
4.	Boktu Kuhl	-do-
5.	Pangi Kuhl	-do-

HAMIRPUR DISTRICT

1.	L. I. S. for village Rail	Hamirpur
2.	-do- Paur	-do-
3.	-do- Ambtar	-do-
4.	-do- Nadaun (Hydrants)	-do-
5.	-do- Chamukha	-do-

SCHEDULE II

<i>S. No.</i>	<i>Name of the Kuhl</i>	<i>Tehsil</i>
CHAMBA DISTRICT		
1.	Saivina Kuhl in G. P. Bakan	Chamba
2.	Gajouion Kuhl in G. P. Mangla	-do-
3.	Kuranh Kuhl in G. P. Jangi	-do-
4.	Bhaden Kuhl in G. P. Bhadion	-do-
5.	Sandon Kuhl in G. P. Uteep	-do-
6.	Kalsuin Kuhl in G. P. Jangi	-do-
7.	Mehla Kuhl in G. P. Mehla	-do-
8.	Chaminu Kuhl	-do-
9.	Addralu Kuhl	-do-
10.	Salvion Kuhl in G. P. Uteep	-do-
11.	Kandla Kuhl	-do-

KINNAUR DISTRICT

1.	Tangling	Kalpa
2.	Yangiangling	-do-
3.	Godowing	-do-
4.	Barrang	-do-
5.	Annaodam	-do-
6.	Roghi	-do-
7.	Dakhe in village Roghi	-do-
8.	Yallangti	-do-
9.	Chaka Khad in village Yorrangi	-do-
10.	Chamarchalodan in village Chini	-do-
11.	Runkotyo	-do-
12.	Majarang in village Roghi	-do-
13.	Rankulang	-do-
14.	Majang in village Ching	-do-
15.	Banangati	-do-
16.	Bagicheng	-do-
17.	Kashimir Khawangi	-do-

S. N.	Name of Kuhl	Tehsil.
18.	Duni-Barellangi	Kalpa
19.	From house of Makarjit to old H. T. Road	-do-
20.	Rakcham	Sangla
21.	Chir-Chir	-do-
22.	Khargula	-do-
23.	Khawantali-Chhitkul	-do-
24.	Sangla	-do-
25.	Naste in village Boning Saring	-do-
26.	Adminishresh	-do-
27.	Datkua-Batseri	-do-
28.	Dadarti in village Barua	-do-
29.	Kokche	-do-
30.	Beda	-do-
31.	Chansu Hunandan	-do-
32.	Gofa	-do-
33.	Nireu	Nichar
34.	Yullo	-do-
35.	Urni	-do-

SOLAN DISTRICT

1.	Gaura Katal Kiar Kuhl	Arki
2.	Majiar-Ki-Kuhl	-do-
3.	Kayar Samolti Kuhl	-do-
4.	Chamyal Kuhl	-do-
5.	Kalka	-do-
6.	Jarol Kuhl	-do-
7.	Jhakauli Kuhl	-do-
8.	Khokdi Kuhl	-do-
9.	Kirlanpur Kuhl	-do-
10.	Kiru Sacharol Kuhl	-do-
11.	Dadal Kuhl	-do-
12.	Patta Kuhl	-do-
13.	Kohier Kuhl	-do-
14.	Karlana Kuhl	-do-
15.	Rampur Kuhl	-do-
16.	Ranaun Kuhl	Solan

KULU DISTRICT

1.	Bably-nala Kuhl	Manali
2.	Jalasri Kuhl	-do-
3.	Ungli Kuhl	-do-
4.	Cherar Kuhl	-do-
5.	Bayholi Kuhl	-do-
6.	Domi Kuhl	-do-
7.	Shim Kuhl	-do-
8.	Dawara Kuhl	-do-
9.	Bari Kuhl	-do-
10.	Baragarh Kuhl	-do-
11.	Nakong Nala Kuhl	-do-
12.	Baran Kuhl	-do-
13.	Chaial Kuhl	-do-
14.	Nardor-nala-Kuhl	-do-

<i>S. No.</i>	<i>Name of Kuhl</i>	<i>Tehsil</i>
		Manali
15.	Mari-Sari Kuhl	-do-
16.	Seesa Kuhl	-do-
17.	Kanauli Kuhl	-do-
18.	Bansai Kuhl	-do-
19.	Goni Kuhl	Hathenagar
20.	Chaki Kuhl	-do-
21.	Bakhnad Kuhl	-do-
22.	Haripur Kuhl	-do-
23.	Kanhoi-nala Kuhl	-do-
24.	Jagat-Sukh Kuhl	-do-
25.	Saranu Kuhl	-do-
26.	Darnu Kuhl	-do-
27.	Pananou Kuhl	-do-
28.	Alaani Kuhl	-do-
29.	Lara Kuhl	Hathenagar and Left Bank of Kulu.
30.	Nansatala Kuhl	-do-
31.	Khanor Kuhl	-do-
32.	Thakaur Kuhl	-do-
33.	Barain Kuhl	-do-
34.	Mangh Khul	-do-
35.	Kisa Nalari Kuhl	-do-
36.	Sadabage Kuhl	-do-
LAHAUL & SPITI DISTRICT		Lahaul
1.	Bagpo Kuhl	-do-
2.	Tandan Kuhl	-do-
3.	Gamang Kuhl	-do-
4.	Cheche Kuhl	-do-
5.	Uthi Kuhl	-do-
6.	Thuri Kuhl	-do-
7.	Uthi-Cisi Kuhl	-do-
8.	Muchi Kuhl	-do-
9.	Unti Kuhl	-do-
10.	Satinala	-do-
11.	Thakti-Makti Kuhl	-do-
12.	Mangnu nala	-do-
13.	Thanbharti Kuhl	-do-
14.	Biling nala	-do-
15.	Geuir Kuhl	-do-
16.	Char Kuhl	-do-
17.	Samoor Kuhl	-do-
18.	Chakway Kuhl	-do-
19.	Gayar Bhurti Kuhl	-do-
20.	Chaiylika Kuhl	-do-
21.	Pyaso Kuhl	-do-
22.	Chulu-Chi-Kayleg Kuhl	-do-
23.	Tholgaya Kuhl	-do-
24.	Chakarachl Kuhl	-do-
25.	Thoera Kuhl	-do-
26.	Phorsathi Kuhl	-do-
27.	Bhurthi Kuhl	-do-
28.	Dahergarh Nal Kuhl	-do-
29.	Kangnala Kuhl	-do-

<i>S. No.</i>	<i>Name of Kuhl</i>	<i>Tehsil</i>
30.	Gatu Kuhl	Lahaul
31.	Tharota Nala	-do-
32.	Maling Dal Kuhl	-do-
33.	Goao Dal Kuhl	-do-
34.	Gawad-Dal Kuhl	-do-
35.	Minigarh Kuhl	-do-
36.	Moon mala Kuhl	-do-
37.	Bhagota Mala	-do-
38.	Garti	-do-
39.	Garanji Kuhl	-do-
40.	Lagdoname	-do-
41.	Ragwaynal-Judunal Kuhl	-do-
42.	Judunal nala-Makhal Nal	-do-
43.	Muling Kuhl	-do-
44.	Rubar Kuhl	-do-
45.	Dhara Kuhl	-do-
46.	Musgarh Kuhl	-do-
47.	Rough-ling-Nala	-do-
48.	Ralam Kuhl	-do-
49.	Khornala Kuhl	-do-
50.	Bol-Bhurthi Kuhl	-do-
51.	Nukar-Bhurthi Kuhl	-do-
52.	Thorang Kuhl	-do-
53.	Raken Kuhl	-do-
54.	Batra Kuhl	-do-
55.	Saker Kuhl	-do-
56.	Jagla Kuhl	-do-
57.	Margoda Kuhl	-do-
58.	Nago-Lompa Kuhl	-do-
59.	Nopi-Basri-Kuhl	-do-
60.	Lomapa Kuhl	-do-
61.	Kadi-Kuhl	-do-
62.	Dharogi Kuhl	-do-
63.	Yong-Jor Kuhl	-do-
64.	Gatay Kuhl	-do-
65.	Goowni Kuhl	-do-
66.	Phari-Guraji Kuhl	-do-
67.	Kuk-Growni Kuhl	-do-
68.	Khai-nal Kuhl	-do-
69.	Soornal Kuhl	-do-
70.	Chaling Kuhl	-do-
71.	Sasa-nal Kuhl	-do-
72.	Roway nal	-do-
73.	Chono Kuhl	Spiti
74.	Gang-Tokwyow	-do-
75.	Lapu-Lawa Kuhl	-do-
76.	Tokeyow Kuhl	-do-
77.	Lakhu Kuhl	-do-
78.	Magri Kuhl	-do-
79.	Parnu Pagh Kuhl	-do-
80.	Fellow Kuhl	-do-
81.	Brabhu Kuhl	-do-
82.	Chobi-Mungu Kuhl	-do-

<i>S. No.</i>	<i>Name of Kuhl</i>	<i>Tehsil</i>
83.	Lato Kuhl	Spiti
84.	Parging Kuhl	-do-
85.	Chubu Kuhl	-do-
86.	Chabo Kuhl	-do-
87.	Logyauro Kuhl	-do-
88.	Chobi Kuhl	-do-
89.	Chobi-Chura Kuhl	-do-
90.	Kata Kuhl	-do-
91.	Moli Kuhl	-do-
92.	Palgate Kuhl	-do-
93.	Gangchur Kuhl	-do-
94.	Hafta-Chura Kuhl	-do-
95.	Jajugway Burg Kuhl	-do-
96.	Aurangarh Kuhl	-do-
97.	Lopa Kuhl	-do-
98.	Prabhoba Kuhl	-do-
99.	Chabu Kuhl	-do-
100.	Palachay Kuhl	-do-
101.	Kuligh Kuhl	-do-
102.	Gharu Kuhl	-do-
103.	Thaga Kuhl	-do-
104.	Tokpo Kuhl	-do-
105.	Chobo Kuhl	-do-
106.	Tarpal Kuhl	-do-
107.	Kargefa Kuhl	-do-
108.	Reju Kuhl	-do-

KANGRA DISTRICT

1.	Bandlo Kuhl	Palampur
2.	Dewan Chand Kuhl	-do-
3.	Mia-Di-Kuhl	-do-
4.	Dia-Ki-Kuhl	-do-
5.	Kasmal Kuhl	-do-
6.	Kirpal Chand Kuhl	-do-

STATEMENT OF OBJECTS AND REASONS

At present, in the areas which comprised in Himachal immediately before 1st November, 1966, the Himachal Pradesh Minor Canals Act, 1955, is in force, and in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, the Punjab Minor Canals Act, 1905, the Punjab State Tubewell Act, 1954 and the Northern India Canals and Drainage Act, 1873, are in force. In order to have uniformity in respect of control and management of minor canals, to provide for the levy of water charge thereon, it is proposed to have a uniform law in the whole of the State of Himachal Pradesh. The Himachal Pradesh Minor Canals Bill, 1973, seeks to achieve this object.

SIMLA:

The 17th October, 1973.

SALIG RAM,
Minister-in-charge.

FINANCIAL MEMORANDUM

Since this Bill is intended mainly to unify the existing laws in force in the two different areas of Himachal Pradesh, no financial implications are involved.

MEMORANDUM ON DELEGATED LEGISLATION

Clause 73 of the Bill empowers the State Government to make rules to carry out the purposes of the Bill. This delegation is normal in character.

उप-नियन्त्रक, मुद्रण तथा लेखन-सामग्री, हिमाचल प्रदेश, शिमला-3 द्वारा मुद्रित तथा प्रकाशित ।